

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DONNA DE CURTIS,

Plaintiff,

-v-

UPWARD BOUND INTERNATIONAL, INC.,  
d/b/a UPWARD BOUND TRAVEL, and THOMAS  
FERRANDINA,

Defendants.

USDS SDNY  
DOCUMENT  
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DATE FILED: 11/28/09

No. 09 Civ. 5378 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:


The Court is in receipt of the November 23, 2009 letter submitted by Daniel Tanenbaum, counsel for Defendant Upward Bound Travel. The letter asks that the Court issue an Order terminating Mr. Tanenbaum as attorney of record, on the grounds that Upward Bound Travel has ended his representation of the company. Under Local Rule 1.4, “[a]n attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.” Accordingly, counsel must make “a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement.”

Furthermore, because corporations cannot appear in federal court *pro se*, see *Grace v. Bank Leumi Trust Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir.2006), Upward Bound Travel is advised that removing licensed counsel without replacing him with other licensed counsel would likely set in motion proceedings leading to the issuance of a default judgment against the

corporation. Consequently, the request to terminate Mr. Tanenbaum as attorney of record is hereby DENIED without prejudice to renewal. If Defendant wishes to renew this request, Defendant should file an affidavit that acknowledges Upward Bound Travel's understanding of the consequences of removing counsel without replacing him with substitute counsel, and sets forth Upward Bound Travel's intentions going forward in light of these consequences.

SO ORDERED.

Dated: November 25, 2009  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE